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OCT 19 2009

PUBLIC SERVICE COMMISSION



at&t

October 19, 2009

Mr. Darrell Nitschke
Telecommunications Division
North Dakota Public Utilities Commission
600 E. Boulevard Avenue – State Capitol
Bismarck, ND 58505-0480

Mr. Nitschke:

By this letter, AT&T is requesting a waiver of the months-to-exhaust/utilization threshold requirement outlined in the FCC's Numbering Resource Optimization orders, FCC 00-429 and FCC 01-362 released in CC Docket NO. 99-200, which allows NeuStar, North Dakota's Pooling Administrator, to provide numbering resources to AT&T.

AT&T is requesting a one thousands block (1000 telephone numbers) in the Bismarck rate center to meet the needs of Investment Centers of America; an affiliate of Jackson National Life Insurance Company. Investment Centers of America is requesting 40 numbers NOT in a 2, 3 or 9 block. (See attached Letter of Intent). AT&T's inventory in Bismarck consists of 701-516-9 and 701-934-9; neither of which will satisfy the customer's request.

In order to satisfy the customer request, on October 14, 2009, AT&T submitted a "Thousand Block Application Form Part 1A and the Months-to-Exhaust (MTE) and Utilization certification Worksheet – TN level" to the Pooling Administrator (PA) using the Pooling Administration System (PAS). At the end of the session, an error message indicated that the request would not process through the system without a state waiver. The PA applies the FCC rules and INC guidelines. These rules and guidelines require that the block holder requesting growth resources demonstrates that the existing resources will exhaust within 6 months AND meet the 75% utilization level. The current MTE in Bismarck is 11.04 months and the utilization is 6.5%. AT&T did NOT meet either threshold in the Bismarck rate center. (See attached PAS documentation).

The FCC allows for a waiver of the rules when there is a demonstrated need such as a specific customer for particular numbers. The waiver process is specifically addressed in the FCC Third Report and Order as the

"safety valve" process (See FCC 01-362, paras 57-66) which went into effect on March 14, 2002. The Order delegates the authority to hear claims for waiver to the state commissions (See paras, 61 and 66).

AT&T has developed a communications plan that the customer will implement within 180 days of the numbers being made available to their Enterprise. Since AT&T already has numbers in the Bismarck rate center and the customer requires less than 100 numbers, we are willing to donate the remainder of the new block back to the pool.

Therefore, AT&T respectfully requests the Commission to approve AT&T's request for a waiver of the FCC's MTE and utilization requirements and direct the PA to provide the requested block of numbers, in the Bismarck rate center, for use by Investment Centers of America. The directive can be emailed to:

Ms. Julie Kline
NeuStar, Pooling Administrator
1800 Sutter Street, Suite 780
Concord, California 94520
925-363-7653
Email: Julie.Kline@neustar.biz

Please send me an electronic copy of the Commission approval as well. And if you have questions or need additional information, please contact me at any time.

Respectfully submitted,



Dale C. Morgenstern
AT&T - Network Compliance
One AT&T Way – Suite 4D146
Bedminster, NJ 07921
O: 908-234-5120
C: 201-960-6668
Email: dmorgenstern@att.com

Part1A

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TBPAG Attachment 1 - March 19, 2007

Thousands-Block Application Form - Part 1A

Tracking Number: 701-BISMARCK-ND-922439
Individual Block Request

Type of Application: New Change Disconnect

GENERAL APPLICATION INFORMATION**1.1 Contact Information:**Block Applicant:

Company Name: AT&T LOC - NY

Headquarters Address: One AT&T Way

City, State, Zip: Bedminster, NJ, 07921

Contact Name: Lisa Loper

Contact Address: One AT&T Way

City, State, Zip: Bedminster, NJ, 07921

Phone: 908-234-7622 FAX: 908-234-8044 E-mail: lloper@att.com

Pooling Administrator: ⁱⁱ

Contact Name: Agnes Rom

Contact Address: 1800 Sutter St

City, State, Zip: Concord, CA, 94520

Phone: 925-363-7650 FAX: 925-363-7681

E-mail: agnes.rom@neustar.biz

1.2 General Information:

Check one : No LRN needed LRN needed ⁱⁱⁱ

Part1A

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NPA: 701 LATA: 638 OCN: ^{iv} 7421 Parent Company's OCN 7421

Number of Thousands-Blocks Requested : 1

Switching Identification(Switch Entity/POI) : ^v
BSMRNDIC2MD

City or Wire Center Name : _____ Rate Center: ^{vi}
BISMARCK

Rate Center Sub Zone: _____

1.3 Dates:

Date of Application: ^{vii} 10/14/2009 Requested Block Effective Date: ^{viii}
11/16/2009

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? (See Section 8.6) Yes _____ No X

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : CAP OR CLEC (LEC, IXC, CMRS, Other)
- b) Primary type of service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment Preference (Optional) 701-516-5
- d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any _____
- e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping(the remainder of the blocks will be given to the pool) _____

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes , attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes X If Yes , attach months to exhaust worksheet

By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change(Mark all that apply)

OCN:Intra-company ^{ix} Switching Id Part 1B

Part1A

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OCN:Inter-company^x : Effective Date

Change block : Yes _____ If Yes , list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated Yes _____ No _____
- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC Yes _____ No _____
- d) Has this block been protected from further assignment Yes _____ No _____

Disconnect block : Yes _____ If Yes , list NPA-NXX-X _____

Remarks:

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines (ATIS-0300066) available on the ATIS web site (<http://www.atis.org/inc>) or by contacting inc@atis.org as of the date of this application.

Lisa Loper

Signature of Block Applicant

Manager-Code Administration 10/14/2009

Title Date

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2- Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the Telcordia™ LERG™ Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by Telcordia™ Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLI™ tandem of the facilities based provider^{xi}. Explanations of these terms may be found in the footnotes.

MTE Block

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Appendix 3

May 16, 2008

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 701-BISMARCK-ND-322439

Date: 10/14/2009

OCN: 7421

Company Name: AT&T LOC - NY

Rate Center: BISMARCK

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s): 2 Blocks

Name of Block Applicant: Lisa Loper

Signature: Lisa Loper

Title: Manager-Code Administration

Telephone No.: 908-234-7622

FAX No.: 908-234-8044

E-mail: lloper@att.com

A. Available Numbers: 1842

B. Assigned Numbers: 130

C. Total Numbering Resources: 2000

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ²: 0

List
Excluded
Code(s) or
Block(s):

Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	

E. Growth History - Previous 6 months ³	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>20</u>
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MTE Block

F. Forecast
 - Next 12 months⁴ **1000** **0** **0** **0** **1** **0** **0** **0** **0** **0** **1** **0**

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6): **166,833**

H. Months to Exhaust⁵ =
$$\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$$

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	1842	11.041

I. Utilization⁶ =
$$\frac{\text{Assigned Numbers(B)} - \text{Excluded Numbers(D)}}{\text{Total Numbering Resources(C)} - \text{Excluded Numbers(D)}} \times 100 = \mathbf{6.5}$$

Explanation: _____

¹A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

²Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

³Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

⁴Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁵To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

⁶Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Part3

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November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPA Part 3

Tracking Number : 701-BISMARCK-ND-322439

Date of Application: 10/14/2009 Effective Date: _____
Date of Receipt: 10/14/2009 Date of Response: 10/14/2009

Service Provider Name: AT&T LOC - NY
(Telcordia™ LERG™ Routing Guide) OCN: 7421

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Agnes Rom Phone: 925-363-7650

Signature of Pooling Administrator

Agnes Rom Fax: 925-363-7681

Name (print)

Email: agnes.rom@neustar.biz

NPA-NXX or NPA-NXX-X : _____

Block Assigned: _____

Block Reserved : _____

Block Reservation _____

Expiration Date : _____

Block/Code Modified : _____

Block/Code _____

Disconnected : _____

Block Contaminated(Yes or No) : _____

If Yes,enter the number of TNs contaminated : _____

Switch Identification(Switch Entity/POI): ¹ BSMRNDJC2MD

Rate Center: BISMARCK

Rate Center Sub Zone: _____

Form Complete, request denied.

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new block is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

Request withdrawn.

Explanation:

Part3

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___ **Assignment activity suspended by the administrator.**

Explanation:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI TM Location Identification code of the switching entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)



1 Corporate Way
Lansing, Michigan 48951
Phone: 517/381-5500
Fax: 517/706-5514
Toll Free: 800/565-9044

Date 9-22-2009

Company Name: Investment Centers of America
Address : 212 N Fourth Street
City, State, Zip: Bismarck, ND 58501

AT&T Number Administration/Code Administration;

This Letter of Intent represents a request by Investment Centers of America for 40 numbers for **ADL SERVICE**. **Investment Centers of America** intends to order service, in the **BISMARCK** rate center, on the OMAHNETU24T switch pending AT&T's successful completion of the required testing. Investment Centers of America intends to activate these numbers within 180 days from AT&T's receipt of the numbers.

Investment Centers of America currently has an existing network configuration and therefore technical restrictions exist in the following block.

Restrictions are due to existing DID's in the company's dial plan.

- Block 0 (0000-0999): _____
- Block 1 (1000-1999): _____
- Block 2 (2000-2999): 20xx,25xx, 26xx,27xx, 29xx _____
- Block 3 (3000-3999): 32xx,33xx,34xx,35xx,36xx,37xx _____
- Block 4 (4000-4999): _____
- Block 5 (5000-5999): _____
- Block 6 (6000-6999): _____
- Block 7 (7000-7999): _____
- Block 8 (8000-8999): _____
- Block 9 (9000-9999): ALL Exchanges are in use _____

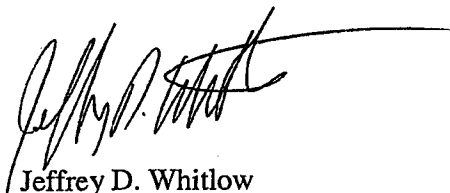
Investment Centers of America, Inc. (ICA) is part of the nation's seventh-largest broker-dealer network. We are also a registered investment advisor and are affiliated with Jackson National Life Insurance Company - one of America's largest life insurance companies with more than \$82 billion in assets (GAAP).

Based in Bismarck, North Dakota, ICA has been a leading provider of investment and insurance products through community banks and independent offices since 1985. With over 300 professionals, ICA uses a client-focused approach to support independent

financial institutions in meeting their customers' goals. ICA provides a variety of solutions and services ranging from securities and mutual funds to life insurance, long-term care, and annuities. ICA serves over 200 financial institutions with an array of sales and marketing tools designed to solve client needs.

There are no other locations for this business in North Dakota. This request for 20 additional DID numbers is in anticipation of potential growth for the next one to three years.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Whitlow", with a long horizontal flourish extending to the right.

Jeffrey D. Whitlow
Director, Network Services
Jackson National Life